

Remarks

Claims 1-34 are currently pending in the Application, Claims 35-39 are newly presented herein, and Claims 8, 17 and 29 are herein withdrawn without prejudice from consideration by the Examiner.

Allowable Claims

Applicants acknowledge with gratitude the Examiner's indication of allowability as to Claims 3, 6-7, 9, 12, 14-16, 18-22, 26, 28 and 31-34.

Summary of claim amendments

This response amends Claims 1, 9, 23-24, 26, 28 and 31-32 to clarify the language of the claims.

This response amends Claim 13 to recite features of Claim 14 found patentable by the Examiner and cancels Claim 14 without prejudice.

This response amends Claims 15-19 and 21 to depend from Claim 13, not canceled Claim 14.

New claims

This response adds new Claims 35-39 to more completely claim the invention. Support for the new Claims 35-38 can be found, for example, in Figures 1, 2 and the related text in the specification. Support for the new Claim 39 can be found, for example, in Claims 13 and 20 as originally filed.

Specification amendments

This response amends the specification as shown.

Restriction requirement

The Examiner asserts that Applicants's election of Group II (claims 9, 18 and 30) was without traverse.

Applicants respectfully note that in replying to the restriction requirement Applicants submitted arguments that examining 31 claims instead of 34 is not productive in terms of speeding up the Examination of this application. Applicants further respectfully note that in replying to the restriction requirement Applicants **provisionally** elected claims of Species II. Hence, Applicants submit that the election was made **with** traverse.

Applicants further respectfully note that withdrawn Claims 8, 17 and 29 depend from Claims 1, 13 and 23, respectively. Therefore, if Claims 1, 13 and 23 are found patentable, Applicants submit that Claims 8, 17 and 29 should be allowed as well.

Claim objections

The Examiner objects to Claim 9 for not reciting "to" in front of "said second reflector." Applicants submit that Claim 9 has been amended as suggested by the Examiner and request that the objection be withdrawn.

35 U.S.C. §102(b) Rejection

Claims 1-2, 4-5, 10-11, 13, 23-25, 27 and 30 stand rejected under 35 U.S.C. §102(b) as being anticipated by Ball (U.S. Patent No. 5,396,506). Applicants respectfully disagree.

The Examiner is reminded that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP 2131 quoting *Verdegaal Bros. V. Union Oil Co, of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The Examiner is also reminded that "[the] identical invention must be shown in as complete detail as is contained in the ... claim." MPEP 2131 quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicants submit that Ball does not teach each and every element as set forth in the rejected claims. In particular:

Claim 1

Applicants submit that Ball does not disclose, suggest or teach, *inter alia*, the following features recited by amended Claim 1 of the present application:

“pulling an intrinsic frequency distribution of the at least one other laser”
(emphasis added)

Although the Examiner concedes that Ball does not disclose to pull “an intrinsic frequency distribution of the at least one other laser,” the Examiner alleges that it would have been obvious that Ball’s combiner would inherently possess the same function as claimed. What does the Examiner base his allegation on? The Examiner appears to rely on facts within his personal knowledge. Applicants respectfully request, under 37 C.F.R. § 1.104(d)(2), that the Examiner provide an Affidavit supporting the Examiner’s assertion that Ball’s combiner inherently able to pull “an intrinsic frequency distribution of the at least one other laser” as recited in amended Claim 1. If the Examiner is relying on a prior art reference Applicants respectfully request that the Examiner cite the reference. Otherwise, Applicants respectfully request that the assertion be withdrawn and Claim 1 be allowed. Claims 2, 4-5 and 10-11, at least based on their dependency on Claim 1, are also believed to be patentable over Ball.

Claim 13

Applicants traverse the Examiner’s rejection of Claim 13 and disagree that it is unpatentable in view of Ball. However, in the interest of moving this application to issue, Applicants have amended Claim 13 to include features of Claim 14 found patentable by the Examiner in the Office Action and cancelled Claim 14 without prejudice, expressly reserving the right to present this or any other rejected claims or claims directed to other disclosed subject matter in a future divisional or continuation application.

Claim 23

Applicants submit that, at least for the reasons stated above for Claim 1, Ball does not

teach, disclose or suggest “means for pulling an intrinsic frequency distribution of one of the laser devices to form a coherent optical output” as recited in amended Claim 23.

Hence, Claim 23 is patentable over Ball and should be allowed by the Examiner. Claims 24-25, 27 and 30, at least based on their dependency on amended Claim 23, are also believed to be patentable over Ball.

Conclusion


In view of the above, reconsideration and allowance of all the claims are respectfully solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendments
Commissioner for Patents P.O. Box 1450,
Alexandria, VA 22313-1450 on

October 6, 2006
(Date of Deposit)

Trisha Lozano
(Name of Person Signing)


(Signature)

October 6, 2006
(Date)

Respectfully submitted,



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Encls:

Petition for a one-month extension of
time and extension fee;
Fee for the excess claims;
Postcard.